

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CERTIFIED COPY

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JUSTIN CODY HARPER, ) Case No.  
 ) 5:23-cv-00695-  
Plaintiff, ) SSS-DTBx  
 )  
vs. )  
 )  
CITY OF REDLANDS, REDLANDS )  
POLICE DEPARTMENT, POLICE )  
OFFICER KOAHOU, and DOES )  
1-10, )  
 )  
Defendants. )  
 )

DEPOSITION OF JOSEPH GARCIA

Remote Deposition

Tuesday, August 13, 2024

Reported by:  
Glinda F. Banks  
CSR No. 11984  
JOB No. 24-140090A

1 Department officers?

2 A. No, sir.

3 Q. Now, is Corey Guerra your brother, sir?

4 A. He is my stepbrother.

5 Q. Now, it's my understanding that he was in  
6 a vehicle with you when you initially encountered  
7 Mr. Harper on September 9, 2021. Is that correct?

8 A. That is correct.

9 Q. Who was driving that vehicle?

10 A. I was.

11 Q. And Mr. Guerra was a passenger?

12 A. Yes, sir.

13 Q. Was there anyone else in the vehicle with  
14 the two of you?

15 A. No, sir.

16 Q. And the vehicle that you were driving can  
17 you describe it for me if you recall?

18 A. It is a 2001 Chevy HD2500 work truck with  
19 construction boxes on the back.

20 Q. What was the color of the vehicle?

21 A. White.

22 Q. Was this a company vehicle, Mr. Garcia?

23 A. Yes, sir.

24 Q. And were you actually engaged in work for  
25 your job on the day of this incident?

1 Q. First line here states Garcia and his  
2 brother, Corey Guerra, owned a civil engineering  
3 business. On Thursday September 9, 2021 they drove  
4 west on East San Bernardino Avenue and came to a  
5 stop at the intersection with Church Street. As  
6 they sat at the intersection, Garcia saw a gray  
7 Toyota truck, suspect vehicle, traveling north on  
8 Church Street.

9 Do you remember seeing that gray Toyota  
10 truck as you were sitting at that intersection with  
11 your brother, Mr. Guerra?

12 A. I do.

13 Q. All right. And next -- this is  
14 summarizing your statement again: The Toyota drove  
15 about 25 miles per hour and turned right onto  
16 eastbound San Bernardino Avenue, failing to stop at  
17 the stop sign. Because of how fast the Toyota  
18 drove, the driver of the truck, Justin Cody Harper,  
19 lost control of the vehicle. The Toyota drove over  
20 the east curb line of Church Street and the south  
21 curb line of East San Bernardino Avenue.

22 I'm going to pause for a moment. Does  
23 that sound accurate based on observations that you  
24 made of this Toyota truck is it ran through the  
25 stop sign and drove through the intersection at

1 approximately 25 miles per hour?

2 A. Yes, sir, it does.

3 Q. So you actually saw that vehicle hit the  
4 curb line?

5 A. Yes, sir.

6 Q. All right. What happened when that Toyota  
7 truck hit that curb line? Did it go up on two  
8 wheels or anything like that?

9 A. He definitely got a little loose -- the  
10 truck got loose, and he seemed to lose control of  
11 the truck as he as was making the turn. He was  
12 trying to make the turn when he came into contact  
13 with the curb. So it threw his rear end into my  
14 vehicle --

15 Q. Okay.

16 A. -- into the rear end of my vehicle.

17 Q. All right. And the next statement in fact  
18 references that. So it says: The Toyota truck  
19 drove back onto East San Bernardino Avenue. The  
20 driver rear fender of the vehicle impacted the  
21 driver side rear fender of Garcia's truck. Do you  
22 see that?

23 A. I do.

24 Q. Now, describe for me -- when you say  
25 impacted, what does that mean? Was it a hard bump?

1 It caused damage to your truck or what?

2 A. It caused damage to the truck, but we're  
3 in a half ton truck that is loaded down quite a  
4 bit. So it hit us, but it didn't cause us to hit  
5 anything else. It just impacted us, and that's  
6 about it.

7 Q. Okay. So I'm trying to understand and  
8 visualize this. So bear with me a little bit.  
9 This Toyota truck is turning right onto the street  
10 that you are stopped at, hit a curb, and kind of  
11 based on your observations it caused the Toyota  
12 truck to kind of swing wide and impact the back of  
13 your truck with the rear bumper of the Toyota. Is  
14 that correct?

15 A. That is 100 percent correct.

16 Q. And what happened after the Toyota truck  
17 impacted with the rear portion of your truck?

18 A. He continued the same direction he was  
19 going which was continuing to the east on the  
20 street. I don't remember the name of the street.  
21 He continued east on that street. And I proceeded  
22 to turn my vehicle -- make a U-turn in the  
23 intersection and try to follow him.

24 Q. Okay. Now, the next statement in your  
25 statement says: Garcia described Harper as a

1 short, white, adult male who is about 30 years old  
2 with short hair, possibly a mustache. Garcia saw  
3 Harper's bare shoulders so he initially thought  
4 Harper did not have a shirt on.

5 Is that your recollection as you sit here  
6 today as far as what you observed on the date of  
7 the incident?

8 A. Yes, sir.

9 Q. When the truck drove past you, did you get  
10 a good look at the driver's face?

11 A. I did.

12 Q. Okay. Going onto the next paragraph on  
13 Bates RPD-1191 it states: After Garcia's truck was  
14 hit, he looked in the rearview mirror and saw the  
15 Toyota did not stop but fled. Garcia turned his  
16 truck around and chased the Toyota. As they  
17 prepared to turn left and make a U-turn, Garcia saw  
18 a black-and-white Redlands Police Department sport  
19 utility vehicle, SUV, with Redlands Police  
20 Department emblems driving north on Church Street.

21 Do you recall making that observation?  
22 Immediately after your accident and your turning  
23 around to follow the Toyota truck, do you remember  
24 seeing a Redlands police vehicle?

25 A. Yes, sir.

1 Do you see that?

2 A. I do.

3 Q. All right. Anything about any of the  
4 statement that I read to you that you believe to be  
5 inaccurate in any way?

6 A. I don't remember him having actually blue  
7 jean pants. Just dark-colored pants is what I  
8 thought I told the officer.

9 Q. Okay. But white tank top, dark blue pants  
10 of some sort?

11 A. Yes, sir.

12 Q. Next in the first full paragraph on  
13 RPD1192. It states: When Garcia's truck got  
14 closer to Harper, Harper waved at Garcia and Corey.  
15 Garcia stopped the truck and rolled down his  
16 window. Harper called out, "Give me a ride!"  
17 Garcia replied, "Pound sand!"

18 You see that language?

19 A. I do.

20 Q. All right. Does that refresh your  
21 recollection as far as the nature of the  
22 conversation you had with Mr. Harper?

23 A. It does.

24 Q. All right. Now earlier in your deposition  
25 I showed you that Ring camera video, Bates 885.

1 out to San Bernardino Road, which was the direction  
2 that he was running when he -- after he entered the  
3 backyard. So I was just going onto San Bernardino  
4 Road. That was the next street that he would have  
5 to come out on if he was going to continue to go  
6 through backyards.

7 Q. And it was your intention to visually  
8 locate him and follow him?

9 A. Yes.

10 Q. Next paragraph in your statement on  
11 RPD1192 says: Garcia watched as Harper ran across  
12 the front yard into the front door of the residence  
13 at 1605 Nathan Court.

14 Do you see that language?

15 A. I do.

16 Q. All right. So you see Mr. Harper runs  
17 across the yard and up to the front door of the  
18 residence. Did you see him attempt to enter the  
19 residence at all?

20 A. I just saw him go to the front door area.  
21 I didn't observe him trying to enter the residence.  
22 No, I did not.

23 Q. Okay. And when you saw him going to the  
24 front door area of the residence, approximately how  
25 far away were you, sir?



1 A. I was approximately 60 feet away.

2 Q. And I assume during this whole time  
3 Mr. Corey Guerra was in the vehicle with you. Is  
4 that true?

5 A. Yes, sir.

6 Q. It states in your statement: Garcia  
7 looked around and could not see the officer chasing  
8 Harper; so Garcia stopped his truck in the street  
9 and continued to keep visual observation of Harper.  
10 After going to the front door of the residence on  
11 Nathan Court, Harper walked to the front driver  
12 side door of black Honda that was parked in the  
13 driveway. Harper opened the door and got into the  
14 car.

15 Do you see that?

16 A. I do.

17 Q. As you made these observations, were you  
18 still in the same location approximately 60 feet  
19 away?

20 A. Yes, sir. I was in San Bernardino Road in  
21 the street in my truck observing him.

22 Q. Okay. As Garcia continued to watch, he  
23 saw a male, later identified as Martin Salazar,  
24 walk out of the garage at the location and yell out  
25 to Harper. Salazar told Harper, "Get out of that

1 car! That's my aunt's car!"

2 So you heard this statement by the person  
3 who was later identified as Mr. Salazar?

4 A. Yes, sir, I did.

5 Q. And were you still in the same location  
6 sitting in the truck approximately 60 feet away at  
7 the time you heard this?

8 A. I was creeping forward on San Bernardino  
9 Road trying to get closer to the activity. So I  
10 might have been a little closer at that time. I  
11 was rolling -- continuing to roll west on San  
12 Bernardino.

13 Q. Okay. Did you have your windows to your  
14 truck down at this point in time?

15 A. Yes, sir.

16 Q. Was that for both the driver and the  
17 passenger side windows of your vehicle?

18 A. Yes, sir.

19 Q. And were you able to clearly hear  
20 Mr. Salazar talking to Mr. Harper, making these  
21 statements?

22 A. I could, yes, sir.

23 Q. Where was Mr. Harper? It says he got into  
24 the vehicle, the black Honda that was parked in the  
25 driveway. Was he in the driver's side seat of that

1 says: As soon as Salazar grabbed the door handle,  
2 Harper put the car in reverse and began backing the  
3 car down the driveway.

4 Do you see that?

5 A. I do.

6 Q. Would it be fair to say that the Honda was  
7 parked nose-in into the driveway?

8 A. It was.

9 Q. So it's backing out of the driveway in  
10 reverse as Mr. Salazar is still grabbed onto that  
11 door handle. Is that correct?

12 A. That is correct.

13 Q. It appeared to Garcia as though Salazar  
14 was being drug down the driveway by Harper in the  
15 stolen Honda.

16 Can you estimate for me approximately how  
17 fast that Honda was backing down that driveway?

18 A. Maybe five to ten miles an hour.

19 Q. And as that reverse action of the Honda is  
20 occurring, is Mr. Salazar -- he has his hand on  
21 that driver's side door handle the whole time?

22 A. He does.

23 Q. Okay. When you saw that it appeared a  
24 that Salazar was being drug down the driveway by  
25 Harper in the stolen Honda, was Mr. Salazar on his

1 feet the whole time, or was he off of his feet  
2 literally being drug down the driveway? Describe  
3 that for me in further detail if you can.

4 A. He was holding onto the door handle trying  
5 to keep up with the vehicle as it was going in  
6 reverse. And his feet were kind of skipping across  
7 the ground.

8 Q. Okay. It then states next: Garcia jumped  
9 out of his truck and ran to help Salazar. As he  
10 ran up to Harper in the stolen Honda, he could tell  
11 the emergency brake on the car was still on because  
12 the front wheels were spinning and pushing the car  
13 backward, but the back wheels were locked and not  
14 rolling, which kept the car from accelerating as  
15 fast as it could have.

16 Do you see that language?

17 A. I do.

18 Q. Now, when you say the front wheels of the  
19 Honda were spinning, are we literally talking about  
20 breaking rubber, hearing --

21 A. Smoking, spinning, breaking rubber, yes  
22 sir.

23 Q. So you heard tires shrieking and so forth  
24 as a vehicle will do sometimes --

25 A. Absolutely, yes, sir.

1 Q. When you ran up to -- strike that.

2 When you got out of your truck, how did  
3 you get over to the Honda? Did you run? Walk?

4 A. I ran.

5 Q. When you got out of your truck,  
6 approximately how many feet from the Honda were you  
7 when you started running towards it?

8 A. 40 to 50 feet maybe.

9 Q. And when you first got over to the Honda  
10 at a distance where you can literally reach out and  
11 physically touch it, where was the Honda located?  
12 Was it in the driveway still? Was it in the  
13 street?

14 A. It was exiting the driveway. I believe  
15 half of the vehicle was in the street, and the  
16 other half was in the drive apron over the walk  
17 area, the sidewalk.

18 Q. Okay. Now, I'm going down to the next  
19 page in your statement. This is RPD1193. Top of  
20 page it states: Salazar still held onto the door  
21 and continued to be drug down the driveway and into  
22 the street. As Salazar held onto the door, Harper  
23 hit the male in an attempt to try to get him to let  
24 go.

25 Do you see that?

1 were you able to see where Mr. Salazar was at that  
2 point in time?

3 A. Mr. Salazar was still on the driver's  
4 side. I don't know if he was hanging onto the  
5 door, but he was right at the door.

6 Q. Okay. Next paragraph down on RPD1193 it  
7 states: Suddenly Harper accidentally hit the  
8 button to unlock all the car doors. Garcia pulled  
9 the front passenger door open, leaned into the car,  
10 and punched Harper three times in the side of his  
11 head.

12 Do you see that?

13 A. I do.

14 Q. And is that your recollection? For  
15 example, did you hear like the car door unlock as  
16 you sometimes do when someone hits the button to  
17 open it?

18 A. I did. I just happened to be pulling on  
19 the handle while he hit that button, and it opened  
20 right up.

21 Q. And it says: After punching Harper,  
22 Garcia grabbed hold of Harper and told him to shut  
23 the car off. Harper elbowed Garcia to try to get  
24 Garcia to let go, but Garcia held on. Garcia told  
25 me he hit Harper because Harper was being violent

1 with him and Salazar and because he did not know if  
2 Harper had any weapons on him.

3 I want to break that down little bit. It  
4 says you pulled the car door open, and you struck  
5 Harper three times to the side of his head. Do you  
6 see that language?

7 A. I do.

8 Q. Does that comport with your recollection  
9 of the events on the day of the incident?

10 A. Yes.

11 Q. Where were you striking Mr. Harper? You  
12 said the side of the head. This is some gesturing  
13 on the camera right now.

14 A. On the right side of his face.

15 Q. Did -- as you were striking him  
16 approximately those three times, did you say  
17 anything to him?

18 A. I was telling him to stop.

19 Q. Did he say anything in response to your  
20 striking him or your commands to him to stop?

21 A. I don't remember.

22 Q. It notes that Harper tried to elbow you to  
23 get you to let go, but you held on. Do you see  
24 that language?

25 A. Yes, sir.

1 Q. So break down the sequence of events to me  
2 as best as you can, Mr. Garcia. It appears you  
3 pulled the door open, struck Mr. Harper  
4 approximately three times, were yelling at him to  
5 stop. And then apparently you grabbed onto  
6 Mr. Harper someplace on his body. Is that correct?

7 A. Correct. I jumped into the vehicle and  
8 first tried to throw the car into park. He put the  
9 car back into drive. That's when I punched him. I  
10 kept punching him because we were fighting to get  
11 the car from park to drive.

12 Q. I see.

13 A. And in that time he was trying to elbow me  
14 to get me away from him.

15 Q. When you say -- I'm sorry. If I can  
16 interrupt you for one second.

17 When you say you jumped into the car, did  
18 you physically get into the passenger side seat of  
19 the vehicle?

20 A. Yes, sir.

21 Q. Okay. So your butt was literally in the  
22 passenger seat as you are engaged with this  
23 struggle with Mr. Harper over control of the  
24 vehicle?

25 A. My knees are on the passenger seat, and my



1 feet are hanging out the door. And I'm engaged  
2 with him looking straight at him with my knees on  
3 the seat.

4 Q. And so you strike him. You are grabbing.  
5 The shift on the vehicle, is it one of the shifts  
6 like in the center console area that you move  
7 forward and back to go from park into drive, et  
8 cetera?

9 A. That's correct.

10 Q. Okay. So you are struggling with him over  
11 that shifter. You are trying to put it in park.  
12 It appears to you that he's trying to put it in  
13 drive to be able to drive away. Is that correct?

14 A. That is correct.

15 Q. Okay. And it then says Garcia held onto  
16 Harper and waited for the police officer while  
17 Corey stood nearby and called 911.

18 Do you see that?

19 A. I do.

20 Q. Was there any conversation between you and  
21 your stepbrother, Corey Guerra, like Corey, call  
22 the cops, or anything like that, or did he just  
23 kind of take that action independently?

24 A. I believe he took that action  
25 independently.

1 A. I would say -- I was not in the immediate  
2 path of the vehicle. I was off to the side. I was  
3 about 8 to 10 feet away from the vehicle.

4 Q. Okay. I'm going to now show you another  
5 video. I'm going to stop sharing my screen. Give  
6 me a second to get this up here.

7 You see a frozen screen of a video right  
8 now?

9 A. I do.

10 MR. TOUCHSTONE: This is Bates 886. We'll  
11 attach this as Exhibit 3 to your deposition,  
12 Mr. Garcia.

13 (Defendants' Exhibit 3 was marked for  
14 identification.)

15 BY MR. TOUCHSTONE:

16 Q. I will represent to you this is a video  
17 that was created by a bystander of the incident.  
18 Can you -- I wish could I make it bigger, but I  
19 don't know how to do that. Can you see where my  
20 cursor is hovering around here?

21 A. I can.

22 Q. I'm pointing at a black vehicle. That is  
23 the black Honda that we were talking about here?

24 A. Yes, sir.

25 Q. We have been discussing for about the last

1 half hour?

2 A. Yes, sir.

3 Q. Okay. And there is an individual looks  
4 like wearing a brown shirt and I guess gray pants  
5 or long shorts. Do you see that?

6 A. You know, honestly, sir, it's too small  
7 for me to see that.

8 Q. Okay. We also have another individual  
9 over here where my cursor is hovering wearing a  
10 white shirt and dark-colored shorts. Do you see  
11 that?

12 A. I see that.

13 Q. Do you know who that person was in the  
14 white shirt and dark shorts?

15 A. I can't tell who that is, no.

16 Q. And we have another individual standing  
17 over here wearing a black shirt. Do you know who  
18 that person is?

19 A. In fact I'm going to try to put my finger  
20 on this and see if I can zoom this up a little bit.  
21 I can.

22 I don't know who either one of those  
23 gentleman are. I can't tell.

24 Q. All right. I'm going to play the video.  
25 We are now paused at two seconds into it of Bates

1 886. I'm going play it through a little bit.

2 Do you see it looks like there is a police  
3 officer in the open doorframe of that Honda?

4 A. Yes, sir, I see him.

5 Q. Is that consistent with Officer Koahou's  
6 statement -- or Officer Koahou's position as he was  
7 yelling commands at Mr. Harper?

8 A. Yes, it is.

9 Q. All right. I'm going to back that up. It  
10 happens pretty quickly here. Did you hear that  
11 clicking and then the yell afterwards?

12 A. I did not, sir. If you want to try to  
13 rewind it one more time, I'll listen more  
14 carefully.

15 Q. I'll try that, and I'll try to turn the  
16 volume up.

17 A. Okay.

18 Q. I'm starting to play the video at six  
19 seconds in. Did you hear a click and then a yell  
20 out?

21 A. I did not, sir. I did not hear anything.

22 Q. And now we may be suffering some technical  
23 issues here. So I apologize. I'm going to go  
24 ahead and play from this point forward. I'm paused  
25 right now at 10 seconds into the video.

1 I'm now paused at 15 seconds. It appears  
2 that there was some verbal commands, something to  
3 the effect of don't do it, don't do it. Did you  
4 hear anything of nature?

5 A. I did not hear that.

6 Q. Okay. Setting aside the audio issues that  
7 we're having, I'm going to rewind again, and I'm  
8 going to play it through without commentary. I'm  
9 starting at eight seconds.

10 Okay. That's the depiction of the  
11 interaction with Officer Koahou and the vehicle,  
12 black Honda, with Mr. Harper in it immediately  
13 before the shooting incident. Were you able to  
14 hear the two gunshots, Mr. Garcia?

15 A. I could not hear the gunshots coming over  
16 the audio.

17 Q. Does that video appear to accurately  
18 depict what you actually observed as far as the  
19 incidents itself at least as far as the location of  
20 Officer Koahou, yourself, et cetera?

21 MR. TERRELL: I would object. It's  
22 compound on that one.

23 MR. TOUCHSTONE: Good objection, Counsel.  
24 I'll break it down.

25 Q. The video that we just observed, the

1 Exhibit 3 to your deposition, Bates stamp 886, does  
2 it appear to you to accurately depict the incident  
3 that you physically observed on the day of  
4 September 9, 2021, as far as the officer-involved  
5 shooting?

6 A. Yes, sir.

7 Q. I'm now going to try to go back to your  
8 statement again. Do you see the copy of the victim  
9 interview continued, Joseph Garcia? Is that up on  
10 your screen?

11 A. Not yet. It's buffering.

12 When he went to go get my sandwich, I made  
13 a copy of -- I have the report in front of me now.

14 Q. Okay. Let me try again. How about now?

15 A. Still nothing, sir.

16 Q. Let's do this. I'm looking at the  
17 statement, and I want you to go to the last page  
18 Mr. Garcia. And in the first full paragraph of  
19 page four of your statement, which I'll represent  
20 is RPD1194 -- I don't know if you have a Bates  
21 stamped investigation. But there should be a  
22 paragraph that says when the Honda got to the end  
23 of the cul-de-sac. Do you see that?

24 A. I have it in front of me, yes, sir.

25 Q. Let's go from there.

REPORTER'S CERTIFICATE

I, GLINDA F. BANKS, CSR No. 11984,  
Certified Shorthand Reporter in and for the State  
of California, do hereby certify:

That the foregoing proceedings were taken  
before me at the time and place therein set forth,  
at which time the witness was put under oath by me;

That the testimony of the witness and all  
objections made at the time of the examination were  
recorded stenographically by me and were thereafter  
transcribed;

That the foregoing is a true and correct  
transcription of my shorthand notes so taken.

I further certify that I am not a relative  
nor employee of any attorney or of any of the  
parties, nor financially interested in the action.

I declare under penalty of perjury under  
the laws of the State of California that the  
foregoing is true and correct.

Dated this date of September 3, 2024.

*Glinda F. Banks*

GLINDA F. BANKS, CSR No. 11984